

ASSEMBLY BILL

No. 830

Introduced by Assembly Member Eggman

February 26, 2015

An act to amend Section 52.4 of the Civil Code, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 830, as introduced, Eggman. Civil actions: gender violence.

Existing law allows a person who has been subjected to gender violence to bring a civil action for damages against any responsible party and defines gender violence for this purpose as a crime of violence motivated by the gender of the victim or a physical intrusion or invasion of a sexual nature, as specified. The Unruh Civil Rights Act prohibits discrimination based on a person's sex, race, religion, or sexual orientation, among others, and specifies that sex includes gender, which includes a person's gender identity and gender expression.

This bill, for the purposes of the former provision, would expand the definition of gender violence to include violence committed at least in part based on the sexual orientation of the victim, as specified, and would specify that gender has the same meaning as in the Unruh Civil Rights Act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52.4 of the Civil Code is amended to
2 read:

1 52.4. (a) Any person who has been subjected to gender
2 violence may bring a civil action for damages against any
3 responsible party. The plaintiff may seek actual damages,
4 compensatory damages, punitive damages, injunctive relief, any
5 combination of those, or any other appropriate relief. A prevailing
6 plaintiff may also be awarded attorney's fees and costs.

7 (b) An action brought pursuant to this section shall be
8 commenced within three years of the act, or if the victim was a
9 minor when the act occurred, within eight years after the date the
10 plaintiff attains the age of majority or within three years after the
11 date the plaintiff discovers or reasonably should have discovered
12 the psychological injury or illness occurring after the age of
13 majority that was caused by the act, whichever date occurs later.

14 (c) For purposes of this section, "gender violence," is a form of
15 sex discrimination and means any of the following:

16 (1) One or more acts that would constitute a criminal offense
17 under state law that has as an element the use, attempted use, or
18 threatened use of physical force against the person or property of
19 another, committed at least in part based on the gender of the
20 victim, whether or not those acts have resulted in criminal
21 complaints, charges, prosecution, or conviction.

22 (2) A physical intrusion or physical invasion of a sexual nature
23 under coercive conditions, whether or not those acts have resulted
24 in criminal complaints, charges, prosecution, or conviction.

25 (3) *Violence, as set forth in paragraph (1) or (2), committed at*
26 *least in part based on the sexual orientation of the victim.*

27 (d) *For purposes of this section, "gender" has the meaning set*
28 *forth in Section 51.*

29 ~~(d)~~

30 (e) Notwithstanding any other laws that may establish the
31 liability of an employer for the acts of an employee, this section
32 does not establish any civil liability of a person because of his or
33 her status as an employer, unless the employer personally
34 committed an act of gender violence.